

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Social Welfare Department – Nizamabad District – Kanjar Village – Nizamabad Mandal - Acquisition of land for an extent of Ac.2.20 Guntas in Sy.No. 867 for provision of house sites to the weaker section people – Payment of Rs.49,835/- towards decretal charges in AS.No.3353/92 against OP.No.247/85 – Permission accorded - Orders Issued.

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SOCIAL WELFARE (LA) DEPARTMENT

G.O.Rt.No. 448

Dated:-21.06.2008.

Read the following:-

1. From the District Collector, Nizamabad, Lr.No.G2/2044/2006, dated.28.06.2006
- 2.From the Commissioner of Social Welfare, A.P., Hyderabad,Lr.Rc.No.LA2/7079/2006, dated.22.07.2006.
3. From the RDO, Nizamabad address to the District Collector, Nizamabad, Lr.No.B2/4141/2001, dated.14.09.2006.
- 4.From the Commissioner of Social Welfare, A.P., Hyderabad,Lr.Rc.No.LA2/7079/2006, dated.8.05.2007.

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ORDER:-

The Commissioner of Social Welfare, A.P., Hyderabad, in his letter 2nd read above, while forwarding the proposals of the District Collector, Nizamabad, in his letter 1st read above, has requested the Government to release of an amount of Rs.49,835/- towards decretal charges in AS No.3253/92 against OP No.247/85 to comply with the Court orders.

2. The Land Acquisition Officer, Nizamabad Mandal was acquired the land for an extent of Ac.2.20 gts of patta land in Sy.No.867 situated at Kanjar Village of Nizamabad Mandal in Nizamabad District for providing house sites to weaker section people. The LAO has fixed the market value as Rs.1,100/- per acre basing on (3) years sales statistics gathered from Sub- Registrar, Nizamabad, vide his Award Proceedings.No.4/76, dated.20.03.76. The awardees having not satisfied with the rate fixed by the LAO sought for reference under section 18 of the LA Act, to the Civil Court for adjudication. On the reference the Addl. District Judge, Nizamabad by order dated.28.02.1990 in OP.No.247/1985 has enhanced the Land Compensation from Rs.1,100/- to Rs.10,000/- per acre and allowing 30% solatium, 12% Addl. Market value and interest @Rs.9% per annum for one year and 15% per annum thereafter.

3. Aggrieved by the orders of the Lower Court, the LAO/RDO, Nizamabad has filed an appeal in the Hon'ble High Court of A.P., ASSR.No.66709/91. The Special Officer, GP's Office of High Court of AP, Hyderabad has informed vide his Lr.No.ASSR.No.66709/91-OP.No.247/85/A2/92, dated.3.10.1992, that the Hon'ble High Court granted interim stay on condition of depositing half of the amount within (8) weeks and requested to comply the order of Court. Accordingly, an amount of Rs.42,274/- was deposited in the Additional District Court, Nizamabad on 19.02.1993. The Hon'ble High Court in its judgment, dated.12.2.97 in AS.No.3253/92 has dismissed the appeal while confirming the order of the Additional District Judge, Nizamabad in OP.No.247/85. Aggrieved by the orders of the Hon'ble High Court in A.S.No.3253/92, the LAO/RDO, Nizamabad through his Lr.No.B2/2576/97, dated.21.09.1997, requested the G.P. for appeals to prefer LPA against the orders of the Hon'ble High Court.

4. Further, it is reported that in spite of making correspondence from RDO's Office, Nizamabad and deputing concerned Senior Asst, the GP for appeals, High Court, has not preferred any LPA and got any orders from the Hon'ble High Court. The Government Pleader for Appeals, High Court through his letter dated.1.11.2005 has opined that there is no provision for preferring LPA against the judgment after amendment to the CPC and due to in ordinate delay of (7) years, the judgment under opinion is also not a fit case to carry the matter to the Hon'ble Supreme Court of India. Further, the Govt. Pleader, has opined that no LPA was filed in view of peculiar circumstances of the case and the Government Pleader has advised to raise objection

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with regard to the depositing of benefits before executive Court i.e. additional market value 12%, interest 9% & 15% per annum as the LA amendment Act come into force 30.04.1982. The claimants are not entitled these benefits. The Government Pleader, Nizamabad has informed that the awardees/ Petitioners have filed EP.No.167/2004 for execution of OP.No.247/85 in which enhanced the market value @ of Rs.10,000/- per acre otherwise the attachment orders will be issued against the Jeep bearing No.APK456 belongs to LAO/RDO, Nizamabad.

5. Government, after careful examination of the above proposal, and in consultation with Law and Finance Departments, hereby accord sanction for an amount of Rs.49,835/- (Rupees forty nine thousand eight hundred and thirty five only) towards decretal charges in O.P.No.247/85 to comply with Court orders to comply with the Court orders, for the lands acquired for providing house sites to the weaker section people of Nizamabad District.

6. The expenditure sanctioned in para (5) above shall be debited to "2225- Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes - 01- Welfare of Scheduled Castes – M.H.283 - Housing - G.H.11-Normal State Plan - SH(05) Acquisition of House sites to weaker sections in Rural Areas under Indiramma Programme - 310/312 – other Grant-in-aid" from the available provision during B.E.2008-09.

7 The Commissioner of Social Welfare, A.P., Hyderabad, is requested to issue necessary proceedings to the District Collector, Nizamabad, to comply with the Court orders.

8 The District Collector, Nizamabad, shall verify the calculation sheet submitted by the Land Acquisition Officer once again before issue of proceedings for releasing the amount, if any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

9. The District Collector, Nizamabad, shall initiate disciplinary action immediately, against the LAO's and other responsible officials for the delay of more than five years for referring the case to the Lower Court.

10. This order issued with the concurrence of Finance (Exp.SW) Department vide their U.O. No.11914/165/A1/Expr.SW/08, dated.5-6-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**RACHEL CHATTERJEE
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner of Social Welfare, A.P., Hyderabad.

The District Collector, Nizamabad,

Copy to:

The Director of Treasuries & Accounts, A.P. Hyderabad.

The Pay & Accounts Officer, Hyderabad.

The Accountant General, A.P., Hyderabad.

The Dist. Treasury Office, Nizamabad.

Finance (Exp.SW/BG) Department.

SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER